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DC, TX, VA ONLY

August 7, 2007

Re: The Fairchild Corporation v. Alcoa Inc.
07 CV 6185 (VM)

USDC SDNY
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Dear Judge Marrero:

As counsel to The Fairchild Corporation ("Fairchild") in the above-referenced matter, I write to request permission, in accordance with Your Honor's Individual Practices, for leave to file a brief sur-reply memorandum to the Reply Memorandum filed by Alcoa Inc. ("Alcoa") on August 3, 2007.

Fairchild has no desire to burden Your Honor with unnecessary paper. As Your Honor is aware, Fairchild filed its Petition to Vacate Arbitration Award on July 3, 2007. On July 17, 2007, Alcoa filed papers in opposition to Fairchild's Petition and in support of its own Cross-Petition To Confirm Arbitration Award. Rather than file both an opposition brief to Alcoa's motion and a reply brief in support of its own motion, Fairchild filed a single brief. Moreover, that single brief was 10 pages long, the length specified for reply papers in Your Honor's Individual Practices, rather than twenty-five pages (for opposition papers).

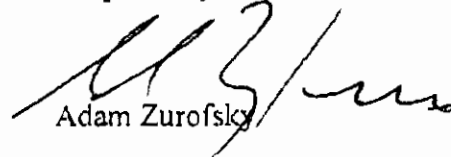
However, rather than stick to the basic issue on these cross-motions — should the arbitration award at issue be vacated or confirmed? — Alcoa has put front and center its attempt to have this Court go beyond the Arbitration Award and not only confirm what the Award did find (approximately \$12 million in indemnifiable expenses), but to rule on what the Award did not address: Fairchild's right to have any non-vacated amounts offset by the tax benefits realized by Alcoa in connection with the underlying expenses. Alcoa has introduced new authority and arguments on this issue in its reply brief and Fairchild respectfully requests leave to file a sur-reply of not more than five (5) pages to make sure that the salient points have been fully briefed. Fairchild would be able to

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file such a sur-reply within three (3) days of the grant of leave or such time as Your Honor deems appropriate.

Respectfully Submitted,


Adam Zurofsky


Honorable Victor Marrero
United States District Judge
Daniel Patrick Moynihan United States Courthouse
500 Pearl Street
Room 660
New York, New York 10007

BY FACSIMILE

cc:

By Facsimile

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<i>Request DENIED. The Court considers the tax effects issue to be sufficiently addressed in the parties' briefing papers filed. In the event any further argument appears necessary on this issue the Court will so inform the parties.</i>	
SO ORDERED:	
<i>8-7-07</i>	
DATE	VICTOR MARRERO, U.S.D.J.